

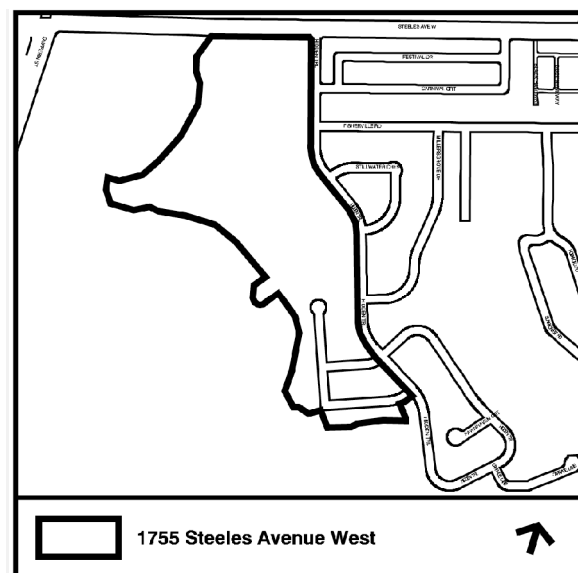
1755 Steeles Avenue West – Official Plan and Zoning By-law Amendment Application – Final Report

Date:	December 20, 2012
To:	Planning and Growth Management Committee
From:	Chief Planner and Executive Director, City Planning Division
Wards:	Ward 10 – York Centre
Reference Number:	P:\2013\Cluster B\PLN\PGMC\PG13004 File No: 10 120879 NNY 10 OZ

SUMMARY

This application concerns lands comprising the southern third of a property owned by Sanofi Pasteur Limited at 1755 Steeles Avenue West. The southern third of the property is currently designated and zoned for medium-density residential uses dating back to a previously approved Plan of Subdivision. The residential subdivision was not developed and has remained with the owner as undeveloped land. The application proposes to amend the Official Plan and former City of North York Zoning By-law No. 7625 to permit the extension of employment uses across the entire property to facilitate the expansion of the existing industrial campus.

The proposed OPA and rezoning application would allow for the expansion of the light manufacturing and medical research and development campus. The proposed buildings would be appropriately setback from the existing residential uses to the east and the natural heritage system to the west. The development proposal will also protect a listed heritage resource on-site. The layout of the proposed buildings and the proposed access from Steeles Avenue West would allow for the expansion to proceed without impacting surrounding residential uses on lands designated *Neighbourhoods*.



This report reviews and recommends approval of the application to amend the Official Plan and Zoning By-law. It also recommends that Map 2 of the Official Plan be amended to extend the boundaries of the Dufferin-Keele North Employment District to reflect the extent of the proposed redesignation for employment uses. The recommended Zoning By-law would be subject to holding provisions pending final determination of the appropriate private and public infrastructure necessary to service the proposal.

The lands subject to the proposed redesignation and rezoning are part of an existing Registered Plan of Subdivision (M-1859) for residential uses that includes unconstructed and unassumed public highways that are owned by the City. This report recommends that City Council authorize the City Solicitor to submit an application to the Superior Court of Justice pursuant to Section 146 of the *Land Titles Act* for an Order that closes the public highways, cancels the portion of Registered Plan of Subdivision M-1859 that applies to the subject lands and vests title to the closed highways in the Owner, Sanofi Pasteur Limited, with the Order to come into effect when the proposed Official Plan and Zoning By-law Amendments come into full force and effect. It is also recommended that City Council authorize an agreement with the Owner, to secure compensation for the closed highways to be vested with the Owner as well as a commitment by the Owner to provide the documentation necessary to support the City's application to the Court at the Owner's expense.

RECOMMENDATIONS

The City Planning Division recommends that:

1. City Council amend the Official Plan for the lands at 1755 Steeles Avenue West substantially in accordance with the draft Official Plan Amendment attached as Attachment No. 6 to this report.
2. City Council amend former City of North York Zoning By-law No. 7625, for the lands at 1755 Steeles Avenue West substantially in accordance with the draft Zoning By-law Amendment attached as Attachment No. 7 to this report.
3. City Council authorize the City Solicitor to make such stylistic and technical changes to the draft Official Plan Amendment and/or draft Zoning By-law Amendment as may be required.
4. City Council authorize the City Solicitor to apply to the Superior Court of Justice pursuant to Section 146 of the *Land Titles Act* for an Order that effects the following, but only to occur at such time as the proposed Official Plan and Zoning By-law Amendments have been enacted by City Council and have come into full force and effect:
 - a) Closes the public highways Jacobs Gate and Mockingbird Crescent as public highways (Parts 2, 3, 5 and 7 indicated on Attachment 2 to this

- report);
- b) Vests title to Parts 1, 2, and 3 on Attachment 2 in Sanofi Pasteur Limited;
 - c) Vests title to Parts 4 and 6 on Attachment 2 in the City;
 - d) Confirms title to Parts 5 and 7 on Attachment 2 remains with the City;
 - e) Deletes certain registrations that are no longer required, such as the Subdivision Agreement, as determined by the Chief Planner, in consultation with the City Solicitor from title to Blocks P, T, U, V, W, X, Y, AA, BB and the public highways Jacobs Gate and Mockingbird Crescent;
 - f) Upon completion of the matters set out in Recommendation 4a) through 4f), cancels that portion of Plan M-1859 that applies to the subject lands, being Blocks P, T, U, V, W, X, Y, AA, BB and the public highways Jacobs Gate and Mockingbird Crescent;
 - g) Provides that the cancelled parts of Plan M-1859 shall be abstracted based on the original geographic description of the lands and consolidates all such lands into separate PINs with new legal descriptions to be provided for the lands owned by the City and the lands owned by Sanofi Pasteur Limited respectively; and
 - h) Authorizes each party to register Application to Amend Register to effect the foregoing.
5. City Council authorize the City to enter into an Agreement with Sanofi Pasteur Limited, substantially on the terms set out in Attachment 8, and such other terms as may be satisfactory to the Chief Corporate Officer, and in a form satisfactory to the City Solicitor, which Agreement must be executed prior to the submission of Bills to City Council for enactment.
 6. Prior to introducing the Bills to City Council for enactment, City Council require the City Solicitor to confirm that a Court Order has been obtained under Section 146 of the *Land Titles Act* which implements the matters outlined in Recommendation 4 and comes into force at such time that the Official Plan and Zoning By-law Amendments come into full force and effect.
 7. City Council authorize appropriate staff to take all steps necessary to give effect to the foregoing.

Financial Impact

The City will receive \$0.900 million from Sanofi Pasteur Limited as compensation for the purchase of the closed highways.

The Deputy City Manager and Chief Financial Officer has reviewed this report and agrees with the financial impact statement.

DECISION HISTORY

Development Approvals – Plan of Subdivision

The subject lands formed part of a residential subdivision approved by the former City of North York in 1978 described as Registered Plan Number M-1858 and M-1859. The original approval included the lands subject to this application, as well as lands south of Fisherville Road west of a green belt that is part of G. Ross Lord Park. At the time, the lands were mostly vacant and owned by Connaught Laboratories Limited (now called Sanofi Pasteur Limited). Connaught partnered with Bramelea Limited to propose a residential subdivision on the lands including a mix of single and semi-detached dwellings fronting six new public roads and a park. Pursuant to the terms of the Subdivision Agreement, in 1979 the required public highways, parkland, easements and reserves were conveyed to the City of North York to facilitate the layout of the new residential lots.

Phase 1 of the subdivision (M-1858 and the southern portion of M-1859) along Stillwater Crescent, Millersgrove Drive, Fawnhaven Court and Hidden Trail was constructed as proposed but Phase 2 of the subdivision (the northern portion of M-1859) was not. The Phase 2 lands are subdivided for residential use (See Attachment 2) and form the southern portion of 1755 Steeles Avenue West that is subject to current application for redesignation and rezoning.

In 1982, to allow for the municipal services in Phase 1 to be assumed, the former City of North York City Council approved a request from Bramelea Limited to amend the subdivision agreement for Plans M-1858 and M-1859 to permit the development of the subdivision in two phases with two separate subdivision agreements. The agreement governing Phase 2 was never executed, and the lands remain subject to the original 1979 Agreement.

Unconstructed City-owned Public Highways

Two unconstructed and unassumed City-owned public highways (Mockingbird Crescent and Jacobs Gate), as well as all easements and reserves that were part of the original subdivision approval, remain within the lands subject to this application. As part of this application under the *Planning Act*, the applicant is requesting that the conveyance of the unconstructed and unassumed public highways, and various reserves and easements in favour of the City, be undone and returned to the Owner. City Council, at its meeting on September 21-22, 2011, approved a report from the Chief Corporate Officer recommending that these unconstructed public highways and the reserve north of

Mockingbird Crescent be declared surplus, and that an agreement be negotiated with Sanofi Pasteur Limited for recommendation to City Council. A copy of the Decision can be found at:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2011.GM7.5>

Current Application for OPA and Rezoning under the *Planning Act*

The Planning and Growth Management Committee adopted a Preliminary Report from the Chief Planner at its June 2011 meeting authorizing staff to hold a community consultation meeting, with notice of the meeting provided to an extended area. A copy of the Decision on the Preliminary Report can be found at the following link:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2010.PG39.10>

ISSUE BACKGROUND

Proposal

The applicant is proposing to redesignate the southern portion of 1755 Steeles Avenue West from *Neighbourhoods* to *Employment Areas* to provide for the expansion of the existing employment uses to the southern portion of the site. The applicant also proposes to rezone the southern portion of the lands for employment use by extending the existing M2(68) zoning permission from the northern portion of the site to the entire property.

The applicant is proposing four building envelopes (Blocks A, B, C, and D) on the southern third of the property as illustrated on Attachment 1. The gross floor area of the proposed buildings on the lands to be redesignated and rezoned would be 55,240m². Block D would be the closest building envelope to the eastern property line and would be set back 55m from this property line. Block A and B are 60-70m from the eastern property line. The buildings would be organized along an extension of an internal private service road. Each envelope is proposed to have a maximum height of 4 storeys.

The total development on site (existing and proposed) would be 177,000m² or 0.8 times the area of the lot. Refer to Attachment No. 5 for additional project data. This includes additional development is possible within the existing zoning permissions on the northern portions of the property via infill and replacement of temporary structures.

The entire industrial campus would continue to rely on the signalized intersection on Steeles Avenue West for vehicle access. Access to Hidden Trail and the residential subdivisions to the east would not be established. A surface parking lot providing 339 additional parking spaces is proposed on the eastern part of the subject lands adjacent to Hidden Trail. This parking lot would be connected to the existing parking system through driveways internal to the property. A landscape buffer is proposed between the proposed surface parking lot and Hidden Trail along Hidden Trail which would include opportunities for understory planting and a small landscape berm in addition to the existing mature trees along the property line.

Site and Surrounding Area

The site is located on the south side of Steeles Avenue West, east of Dufferin Street. It has a frontage of 209m on Steeles Avenue West and is irregularly shaped bounded by Hidden Trail on the east and a greenbelt and trail associated with G.Ross Lord Park along the West Branch of the Don River on the west. The total area of the property is approximately 22 hectares (54 acres). The portion of the property subject to the current application has an area of 5.7 hectares (14.1 acres).

Significant medical manufacturing and research facilities are historically connected with the site. The property was established as a medical research facility by the University of Toronto in 1914 in the backyard of a farmhouse on the property. The first two permanent buildings for medical research were opened in 1917, constructed as part of a gift to the University from Colonel Albert E. Gooderham. The site was owned by the University until 1972 when the laboratories were purchased by the Canadian Development Corporation (a federal Crown corporation) which transferred the lands to Connaught Laboratories Limited. The site's ownership evolved overtime and it is currently owned by Sanofi Pasteur Limited.

The existing employment uses on site are housed in over 30 low scale buildings ranging in height from one to five storeys in a landscaped setting (see Attachment 1). The buildings are accessed by an interior circulation system of private driveways and walkways. A number of these buildings are of historical and cultural significance and the property is listed on the City's Heritage Property Inventory.

Numerous employment uses take place within the campus including vaccine manufacturing, medical research and development, warehousing and ancillary office uses related to site administration. The site is accessed via a signalized intersection on Steeles Avenue West and a large surface parking lot containing 845 parking spaces occupies the northeast corner of the property. A security fence encircles the property, and all vehicular and pedestrian traffic is directed to security checkpoints prior to entering the campus. A series of mature trees line the eastern edge of the property act as a buffer between the existing on-site industrial uses and the residential uses on adjacent lands designated *Neighbourhoods*.

Surrounding land uses are as follows:

North: across Steeles Avenue West, single detached dwellings fronting Burrows Street in the City of Vaughan.

East: across Hidden Trail, single and semi-detached dwellings fronting Hidden Trail and numerous side streets.

South: valley lands forming part of G.Ross Lord Park.

West: across the valley lands forming part of G.Ross Lord Park, institutional uses (University of Toronto Institute for Aerospace Studies) and employment uses fronting Dufferin Street.

Provincial Policy Statement and Provincial Plans

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. The PPS sets the policy foundation for regulating the development and use of land. The key objectives include: building strong communities; wise use and management of resources; and protecting public health and safety. City Council's planning decisions are required to be consistent with the PPS.

The Growth Plan for the Greater Golden Horseshoe provides a framework for managing growth in the Greater Golden Horseshoe including: directions for where and how to grow; the provision of infrastructure to support growth; and protecting natural systems and cultivating a culture of conservation.

City Council's planning decisions are required by the *Planning Act*, to conform, or not conflict, with the Growth Plan for the Greater Golden Horseshoe.

Official Plan

The northern portion of the property is designated *Employment Areas* by the Official Plan which provides for a broad range of employment uses (Attachment 3). These lands also form part of an *Employment District* in the Urban Structure Plan (Map 2 of the Official Plan). *Employment Districts* are one of the areas in the City to which the Official Plan directs growth, and are to be protected and promoted to create globally competitive locations to attract additional employment to the City. These areas are to be designed to be attractive and function well to facilitate broad economic activity. Transit use for employment uses is encouraged through the development of Traffic Demand Management (TDM) strategies. Development adjacent to *Employment Districts* is directed by the Official Plan to be appropriately designed and buffered or separated from industrial uses as necessary to mitigate adverse effects.

The southern portion of the property, which is the subject of this application, and the lands across Hidden Trail are designated *Neighbourhoods* which provides for low scale residential uses up to 4 storeys in height. Intensification of lands near *Neighbourhoods* is to be carefully controlled so that these low scale residential uses are protected from negative impact.

Lands to the west of the property form part of the Natural Heritage System identified on Map 9 of the Official Plan. Development is generally not permitted within the Natural Heritage System, although where the underlying land use does permit it, the Plan requires development to recognize the natural heritage values and ecosystems present and minimize adverse impact while restoring and enhancing the natural area. The Plan requires development to be set back 10m from the top of bank of valleys, ravines, bluffs and other erosion areas. Development within the Natural Heritage System must address the impacts on and identify mitigation measures for terrestrial habitat, watercourse and hydrologic features, riparian areas and vegetation.

Zoning

The northern portion of 1755 Steeles Avenue West is zoned Industrial Zone Two, Exception 68 – M2(68). This zoning permits a broad range of commercial, institutional and light industrial uses, including the manufacturing uses permitted in the M2 zone, with the exception that the only uses permitted within 70m of any lot in an R or RM zone shall be the uses permitted in the M1 zone. Heavy industrial/manufacturing uses including abattoirs, auto wrecking yards, petrochemical refineries, chemical or paint manufacturing and waste incinerators are specifically excluded from M1 and M2 zones. A maximum floor space index of 1.0 is permitted, with limitations on office and retail uses. There is no specific height limit in the M2 zone.

The southern portion of the property is zoned Multiple-Family Dwelling First Density Zone (RM1) which permits multiple attached dwellings, single-detached dwellings and any use permitted in an R4 zone. The maximum building height in the RM1 zone is the lesser of 9.2m or three storeys.

Site Plan Control

The proposed future buildings would require applications for Site Plan Control approval which have not been filed.

Reasons for Application

An application to amend the Official Plan is required as the *Neighbourhoods* designation does not permit the proposed employment uses. An application to amend the Zoning By-law is required to permit the proposed expansion of light manufacturing and medical research facilities onto the subject lands.

Community Consultation

The review of this application has included a robust community consultation process dating back to an initial community consultation meeting held on June 24, 2010 in the Reception Centre on the Sanofi Pasteur campus. The June 2010 meeting was attended by City staff, the applicant, the former local Councillor, and approximately 130 members of the community.

The initial community meeting led to the establishment of a working group consisting of members of the local Ratepayers Association, the local councillor, representatives of Sanofi Pasteur and City staff. All submitted application material was circulated to the ratepayers group and City staff met with local residents and representatives of the applicant to establish an issues list for discussion. The issues list was generated from a survey distributed to neighbourhood residents by the local ratepayers association. The working group met on two occasions (May, 2011 and January, 2012) to discuss these issues at a finer level of detail.

In addition to formal meetings, the applicant has also conducted tours of the Sanofi Pasteur facility for members of the working group, City staff and neighbouring residents.

The tours have outlined the placement of proposed buildings and highlighted environmental initiatives and innovations being undertaken on site.

Through the community consultation process, the main issues raised include as issues related to the current planning application and issues related to existing site operations. Some of these existing operational issues are not directly governed by land use control provisions pursuant to the *Planning Act*, but do speak to the operations of an industrial campus in proximity to a residential area. Concerns with respect to the current application included the height and density of development as well as the need for appropriate separation distance between residential and industrial use, the scale of development from a height and massing standpoint and the need for landscape buffering along the Hidden Trail edge of the site. Other issues included concerns respecting noise and odour which may persist or worsen through the approval of additional development on the southern lands. Staff have reviewed the issues raised through the community consultation process and the response to these issues are presented in the Comments portion of this report.

Beyond the scope of the application for redesignation and rezoning pursuant to the *Planning Act*, questions were asked of Sanofi Pasteur representatives at the initial community meeting related to the biosafety programs in place for the laboratories on site. Sanofi Pasteur shared information with the residents respecting biosafety programs on site.

Agency Circulation

The application was circulated to all appropriate agencies and City divisions. Responses received have been used to assist in evaluating the application and to formulate appropriate By-law standards.

COMMENTS

Provincial Policy Statement and Provincial Plans

The proposal is consistent with the PPS. It represents an efficient land use pattern by intensifying employment use in a designated growth area. The proposal is consistent with the Policy Statement's provisions requiring planning authorities to promote economic competitiveness by providing a diversified economic base with a range of choice of suitable sites for employment uses. The OPA and rezoning would continue the City's efforts to support a wide range of employment uses as provided for by the PPS to meet the needs of existing and future uses. The proposal is also consistent with Provincial Policy providing for adequate separation and buffering between industry and sensitive land uses. The proposed planning instruments also restrict future development on the west side of the lands from encroaching into a 10m buffer measured from the Long Term Stable Slope which is consistent with PPS provisions on protecting natural heritage areas.

The proposal conforms and does not conflict with the Growth Plan for the Greater Golden Horseshoe. It directs growth to built up areas and supports the provision of an

adequate supply of employment lands in locations which are suitable for a variety of existing and future economic uses.

Land Use

The proposed Official Plan and Zoning By-law Amendments further the employment promotion and retention goals of the Official Plan. The redesignation of the subject lands would allow for employment uses to expand without negatively impacting the amenity of adjacent low-scale residential uses.

The Official Plan Amendment would build on the strengths of the existing *Employment District* by providing additional lands to accommodate employment growth in conjunction with the existing Sanofi Pasteur facility. The redesignation from *Neighbourhoods* to *Employment Areas* would accomplish this goal within the broader policy framework of the Official Plan, and development control proposed through site-specific Zoning By-law exceptions would ensure the expansion of light-industrial uses can occur without an impact to adjacent residential uses as discussed below.

Throughout the community consultation process, residents raised issues with respect to the expansion of the industrial campus occurring in close proximity to the adjacent residential neighbourhood. The Ministry of Environment Guidelines D-1 and D-6 address land use compatibility issues that may arise when a new facility is proposed via a change in land use permissions in close proximity to sensitive uses. The preferred method of mitigating adverse effects and permitting these land uses to function separately is separation distances based on the type of industrial facility proposed or existing, with separation distances increasing as the nature of the industrial use is classified as more impactful. The uses proposed to be permitted on site would be defined by the Guideline as a Class I use (minimum separation distance of 20m) or a Class II use (minimum separation distance of 70m).

Guideline D-6 provides that separation distances can be required as setbacks in Zoning By-laws but also allows for land uses within the separation distance that are compatible with both adjacent sensitive and industrial land use. The separation distances recommended by Guideline D-6 are intended to supplement but not replace legislative controls on emissions and other regulations under the *Environmental Protection Act*. The Ministry of the Environment, via the *Environmental Protection Act* regulates all industrial sites and specifically requires industrial sites to receive Environmental Compliance Approval (formerly a Certificate of Approval) governing environmental issues such as noise, air quality and water quality. Noise and air quality were raised on numerous occasions through the community consultation process. The City does not regulate these issues, but where standards exist in the Municipal Code related to these matters, they are guided by the Ministry of Environment requirements.

This report recommends that the proposed draft Zoning By-law includes restrictions on land use to the entire property that are consistent with the separation distances recommended by the Ministry of Environment Guidelines D-1 and D-6. The proposed land uses within 70m of the adjacent residential properties are restricted to uses permitted

in an M1 zone such as office, warehousing and parking – which the Guideline would refer to as Class I uses. These land use restrictions allow full M2 permissions beyond the 70m limit, and generally correspond with Class II uses under the Guideline. In addition to the land use restrictions, the proposed Zoning By-law establishes performance standards that ensure compatibility of adjacent land uses.

It is also recommended that the boundaries of the Dufferin Keele North Employment District on Map 2 be amended to reflect the proposed boundaries of the *Employment Areas* land use designation. The expansion of the *Employment District* to reflect the boundaries of the Sanofi Pasteur land holdings would provide for a clearer boundary to the District that coincides with both the property line and underlying land use designation and zoning.

Density, Height and Massing

Through the review of the application, the applicant revised the original proposal from three new development blocks to four development blocks. The mass of the southern development parcel was divided into two blocks in response to concerns raised in community consultation about the large size of the southern block as well as expressing a desire to increase the proposed setback from the 39m.

The blocks have been situated to increase the setback from the abutting residential uses on the west side of Hidden Trail to 55m and place the blocks on site to create an opportunity for sky views from the end of the residential streets through the site into the valley. For example, the space between Development Block A and the existing Building 95 is a visual extension of Millersgrove Drive and the space between Development Blocks C and D is a visual extension the northern arm of Hidden Trail. The development blocks were shaped to provide areas for landscaped courtyards adjacent to the valley and around the exiting heritage structure (Building #18). The development blocks are set back a minimum of 10m from the Long Term Stable Slope and are shaped to protect existing landscape features on site including significant groupings of trees.

On the portion of the property being rezoned, the proposed Zoning By-law would establish building envelopes on the southern third of the campus that are set back at least 70m from the residential properties on the east side of Hidden Trail and 55m from the residential property along the south property line. On the lands currently zoned for employment uses, the proposed Zoning By-law includes setbacks that recognize the existing development pattern while providing additional restrictions to ensure new development is not located further eastward towards residential uses along Hidden Trail.

The proposed Zoning By-law would restrict the height of development on Blocks A to D to four storeys or 23m. This is similar in height to the recently constructed Building 95 in the centre of the site. The four storey height is appropriate when paired with the required setbacks as all shadow impacts would be contained on site and overlook onto adjacent residential properties would be minimized. The remainder of the property is not proposed to be subject to height limits in the proposed Zoning By-law to reflect the existing development pattern and zoning standards.

The proposed Zoning By-law requires a minimum landscape strip of 5m along the east property line. The purpose of this landscape strip is to provide adequate space for enhancing the existing landscaped buffer with understory planting and fencing to screen the light-industrial uses from the residential uses and public highway along Hidden Trail. This buffer, in addition to the setback requirements for the proposed buildings, would limit the impact of the intensification of non-residential uses on the adjacent residential properties as provided for by the Official Plan.

The existing M2(68) zoning permits a density of 1.0 times the area of the lot. The existing development on the lands with the M2(68) zoning is well below the 1.0 density limit. The proposed floor area of the four development blocks on the lands to be rezoned would also be below the 1.0 times density limit. The existing and proposed gross floor area for the campus, including some incremental infill and additions within the existing zoned lands, would be 177,000m². This is equivalent to a density of 0.8 times the area of the lot. The proposed draft Zoning By-law would extend the density limit of 1.0 times the area of the lot to the remainder of the 1755 Steeles Avenue West parcel to accommodate the proposed redevelopment.

Traffic Impact, Access and Parking

All site access would continue be provided from Steeles Avenue West via the existing signalized intersection. No site access is proposed from Hidden Trail, and the City will secure the extension of an existing 0.3m reserve along the eastern property line to prohibit vehicular access to the site from Hidden Trail. By restricting access to Steeles Avenue West, site traffic will not impact adjacent local residential streets as provided for by the *Employment Areas* policies of the Official Plan. The applicant submitted a Traffic Impact Statement in support of the proposal indicating that the additional traffic generated by the development can be accommodated by the existing transportation network. Transportation Services staff have reviewed the conclusions of this report and accepts its findings.

The proposal would provide adequate surface parking to serve the increase in employment as provided for by Policy 4.4.6 of the Official Plan and required by the existing Zoning By-law. The applicant has proposed 353 new parking spaces that would bring the total number of parking spaces on site, including visitors to 1,229 spaces. The existing Zoning By-law requirements for the campus based on the proposed gross floor area would be 982 spaces. The applicant submitted a parking study recommending 1,091 spaces as sufficient to service the property based on the nature of the site operations and employee shift work but recommended additional parking spaces to provide flexibility in peak periods. Transportation Services staff have reviewed and accepted the recommendations this report.

Servicing

A sanitary sewer analysis of the local tributary area was undertaken to identify any impacts of the proposed campus expansion on downstream infrastructure. The analysis indicates that service infrastructure in the area of the proposal is constrained, and

significant upgrades to the system may be required. The portions of the downstream sewer system indicated in the analysis to be under constraint are located in the adjacent valley lands and in some cases cross beneath the watercourse of the West Branch of the Don River. In normal circumstances, the applicant would be responsible for upgraded segments of pipes secured through the development approval process. However, the location of these pipes in sensitive areas makes this an undesirable option due to the environmental impact of such a significant construction project in the valley.

The applicant's consultant and staff from Technical Services, Toronto Water and Toronto and Region Conservation Authority have developed a strategy to adequately service the property while avoiding the environmental impact and cost associated with significant upgrades to sanitary infrastructure in the valley lands. A new sanitary connection is proposed at the southern boundary of the property to connect directly into the sanitary system. This connection would be restricted to a standard industrial sanitary flow based on the downstream capacity of the existing sanitary sewer. Any sanitary flow above this level would be held in a tank constructed on the applicant's property to be released in off-peak periods when capacity is available in the downstream sanitary infrastructure.

Technical Services staff have advised that restricting the sanitary flows using a holding tank can only be implemented on the southern lands where space is available to accommodate the infrastructure on private land. There is insufficient space surrounding the existing sanitary connection on the northern portion of the lands to install an appropriately sized holding tank to significantly restrict sanitary flow from these lands.

The applicant had presented two options for the southern connection; one directly into the sewer that runs through the valley with the second option being a connection to the sanitary sewer beneath Hidden Trail. Although from an engineering standpoint, either connection would satisfy Toronto Water staff, local residents have expressed concern with a sanitary connection to the Hidden Trail sanitary sewer and prefers the connection from the Sanofi Pasteur site be made directly into the sewer that runs through the valley.

The utilization of a second connection with a holding tank would significantly reduce the amount of required upgrades in the valley lands to two segments in an area that would not be as impactful as upgrades that may have been required further downstream. However, the size of the tank required to implement the restricted flow is unknown at this time as there is no specific building program identified for the development blocks that would feed into the system. The uses permitted by the proposed Zoning By-law would create a substantial range of sanitary flows from the development blocks depending on the uses developed. For example, a building that is primarily a warehouse use would generate a smaller sanitary flow than a building that has a manufacturing use. The extent of this difference impacts the size of tank required to implement the proposed servicing solution for this property.

Moreover, Sanofi Pasteur continues to update their sanitary flow monitoring for the site, attempting to lower the amount of flow emitted into the City's sanitary system. This

program includes the removal of existing cross-connections between pipes that convey stormwater flows into the sanitary system. The goal of this exercise is to retain stormwater on site as required by the City's Wet Weather Flow Management Guidelines and not convey stormwater into City sewers. This may further reduce capacity constraints on downstream infrastructure as would any future capital upgrades planned by Toronto Water.

Staff are recommending that the proposed Zoning By-law include Holding (H) provisions pursuant to Section 36 of the *Planning Act*. To lift the Holding symbol (H) from the lands, the applicant will have to demonstrate that the water and sanitary servicing infrastructure, both public and private, required to service the property is designed and secured to the satisfaction of the Executive Director of Technical Services.

Economic Impact

The Sanofi Pasteur campus falls within the Dufferin Keele North Employment District which is the seventh largest Employment District by geographic size (752 hectares). The Toronto Employment Survey reveals a relatively stable establishment environment in the District since 2002 with only 1.3% of establishment growth, although employment numbers have decreased by 8.1% or 2,600 jobs from 2002 to 2009. Employment within the manufacturing and warehouse sector has declined at a greater rate than the District as a whole with a decrease in 3,459 jobs (30%) since 2002.

Sanofi Pasteur continues to be one of the largest employers in the District with nearly 1,300 employees on campus in 2009. The proposed Official Plan and Zoning By-law Amendments would permit the construction of four additional buildings which the applicant has indicated could result in an additional 250 full time employees in this sector.

Open Space/Parkland

The expansion of the industrial uses is not subject to the parkland dedication policies of the Official Plan and the Alternate Rate By-law.

Heritage Preservation

The property at 1755 Steeles Avenue West contains a number of buildings listed on the City of Toronto's Inventory of Heritage Properties. These buildings have been identified for their cultural heritage value and their contribution to the evolution of the site as a medical research and manufacturing campus.

The lands which are the subject of the rezoning application contain a red brick detached house, known as Building #18, which is listed on the Inventory of Heritage Properties. This building was designed by well-known architect F. Hilton Wilkes and was constructed in 1929 as residential staff housing. In 1933 the building was recognized with an award at the Toronto Chapter Exhibition of Architecture and Allied Arts. It is currently being used for office uses.

Block A and B are appropriately setback from Building #18 to allow for the preservation of the heritage structure and preserves views to the ravine to the west from the structure. The applicant proposes to continue to use Building #18 as an employee amenity area including a tuck shop and small conference centre. The proposed Zoning By-law requires the preservation of Building #18 on site.

Natural Heritage System

The western edge of the property falls within the Natural Heritage System as illustrated on Map 9 of the Official Plan. The applicant submitted an Environmental Impact Statement (EIS) in support of the application that was reviewed by appropriate City and TRCA staff.

In accordance with Natural Heritage System policies of the Official Plan, development is setback a minimum of 10m from the Long Term Stable Top of Bank (LTSTB) and is organized to preserve significant trees and grading features on site. Existing buildings and stormwater management infrastructure that is located within the 10m buffer from the LTSTB are permitted by the Official Plan, but all new development would be setback to meet the 10m setback requirement.

Toronto Green Standard

On October 27, 2009 City Council adopted the two-tiered Toronto Green Standard (TGS). The TGS is a set of performance measures for green development. Tier 1 is required for new development. Tier 2 is a voluntary, higher level of performance with financial incentives. Achieving the Toronto Green Standard will improve air and water quality, reduce green house gas emissions and enhance the natural environment.

The applicant is required to meet Tier 1 of the TGS.

The proposed Zoning By-law will secure performance measures for the following Tier 1 development features related to Automobile Infrastructure. Other applicable TGS performance measures will be secured through the Site Plan Approval process related to the Urban Heat Island Reduction, Tree Protection and Naturalization, as well as Stormwater Retention and Quality Control.

Disposition of City Lands (Unconstructed Public Highways)

The lands proposed to be redesignated and rezoned to permit the expansion of the Sanofi Pasteur campus are currently subdivided for residential use by Registered Plan of Subdivision M-1859. This Plan of Subdivision includes two public highways (Jacobs Gate and Mockingbird Crescent) which were dedicated to the City but not constructed. In addition to the public highways, 0.3m reserves were conveyed to the City adjacent to the subject lands to control access from the northern parcel. A Subdivision Agreement is registered on the subject land that includes a number of obligations. The timelines associated with these obligations have expired. As part of its application for Official Plan and Zoning By-law Amendments, Sanofi Pasteur has requested that the portion of Plan M-1859 west of Hidden Trail be unwound with Jacobs Gate and Mockingbird Crescent to be closed and title to these lands vested back in Sanofi Pasteur.

Section 51 of the *Planning Act* requires Plans of Subdivision to conform to the Official Plan and be suitable for the purposes for which the lands were subdivided. The lands west of Hidden Trail, which includes the two public highways and a 0.3m reserve along the Plan's northern boundary, were laid out by Plan M-1859 for residential purposes. With the proposed redesignation of the lands to *Employment Areas*, the underlying residential subdivision of the lands is no longer required and the subdivision of lands for residential purposes would not be suitable based on their proposed planned employment function.

As noted previously, servicing and access to the campus will continue to be provided from the existing traffic signal and access driveway located on Steeles Avenue West. It is not desirable for access points to be provided from Hidden Trail via the existing public highways. The 0.3m reserve provided across the northern boundary of the subject lands would also no longer be required with the redesignation for employment purposes across the entirety of the lands. Transportation Services staff have determined that the public highways and the reserve are surplus to its requirements and the highways can be permanently closed when the lands are redesignated. City Council approved a report from the Chief Corporate Officer declaring these lands surplus as discussed above.

Application for Court Order under Section 146 of the *Land Titles Act*

It is recommended that City Council authorize the City Solicitor to make an application to the Superior Court of Justice pursuant to Section 146 of the *Land Titles Act* to cancel the parts of Plan M-1859 that apply to the lands west of Hidden Trail that are owned by Sanofi Pasteur, in part, and the City, in part. Section 146 of the *Land Titles Act* provides for Section 88 of the *Registry Act* to apply to all lands registered under the *Land Titles Act*. Section 88 of the *Registry Act* gives the Council of any municipality the ability to apply to a judge of the Superior Court of Justice for an order or direction to cancel or suspend in whole or in part any registered plan. The judge also has the power to permanently close, divert or alter any highways shown on the plan and to make such further or other orders, directions or dispositions as he or she considers proper.

The lands that would be subject to the application are detailed in Attachment 2 (Property Information Sheet). The submission of an application would allow for a series of actions to be authorized by the Court to cancel part of the existing residential plan of subdivision, close the existing public highways on this part of the plan and arrange the lands in a manner that is appropriate for their proposed use as employment lands. This would include the vesting of title of the highways to be closed (Parts 2 and 3) and a 0.3m reserve (Part 1) in Sanofi Pasteur to create a continuous landholding. It would also allow the City to acquire title to a 0.3m reserve (Parts 4, 5, 6 and 7) from Sanofi Pasteur along the full length of the Hidden Trail frontage to prohibit vehicular access to the site from this residential street.

Legal Services staff, in consultation with Real Estate Services, advise that the application pursuant to Section 146 of the *Land Titles Act* would request the Court to issue an Order that:

- a) Closes the public highways Jacobs Gate and Mockingbird Crescent as public highways (Parts 2, 3, 5 and 7 indicated on Attachment 2 to this report);
- b) Vests title to Parts 1, 2, and 3 on Attachment 2 in Sanofi Pasteur Limited;
- c) Vests title to Parts 4 and 6 on Attachment 2 in the City;
- d) Confirms title to Parts 5 and 7 on Attachment 2 remains with the City;
- e) Deletes certain registrations that are no longer required, such as the Subdivision Agreement, as determined by the Chief Planner, in consultation with the City Solicitor, from title to Blocks P, T, U, V, W, X, Y, AA, BB and the public highways Jacobs Gate and Mockingbird Crescent;
- f) Upon the completion of the matters set out in Recommendation 4a. though 4f., cancels that portion of Plan M-1859 that applies to the subject lands, being Blocks P, T, U, V, W, X, Y, AA, BB and the public highways Jacobs Gate and Mockingbird Crescent;
- g) Provides that the cancelled parts of Plan M-1859 shall be abstracted based on the original geographic description of the lands and consolidates all such lands into separate PINs with new legal descriptions to be provided for the lands owned by the City and the lands owned by Sanofi Pasteur Limited respectively; and
- h) Authorizes each party to register Application to Amend Register to effect the foregoing.

It is recommended that the application should provide that the Court Order will only take effect at such time as the Official Plan and Zoning By-law Amendments have been enacted by City Council and have come into full force and effect either through the expiry of an appeal period or by Order of the Ontario Municipal Board. This will ensure that the closure and conveyance of City lands will occur in conjunction with the redesignation and rezoning of the lands.

Agreement with Sanofi Pasteur

Section 88 of the *Registry Act* permits the Council of a municipality to apply to the Court for an order or direction as previously described. Staff recommends that City Council approve an Agreement with Sanofi Pasteur that sets out terms under which the City will make such an application. The Agreement will stipulate that the Court Application will be initiated and completed at no cost to the City and require Sanofi Pasteur's solicitors to prepare, initiate and complete the supporting documentation required for the Court Application at no cost to the City. This documentation will include Reference Plans of Survey, prepared at Sanofi Pasteur's expense and to the satisfaction of the City's Director of Survey and Utility Mapping. In addition to the documents required for the Court Application, the owner will be required to provide evidence satisfactory to the City that the new 0.3m reserves to owned by in the City will meet environmental standards for the most sensitive adjoining land use.

The Agreement will also require Sanofi Pasteur to pay the City \$900,000.00 in compensation for the closed public highways and reserve to be vested in Sanofi Pasteur, as well as any Land Transfer Tax and HST associated with the transaction. The payment will be structured as a \$90,000.00 deposit payable upon execution of the Agreement with the balance of funds to be paid to the City in escrow before the Bills are submitted to City Council for enactment, to be held pending the closing of the transaction. The Director of Real Estate Services prepared the terms of the Agreement found in Attachment 8 and supports the recommended approach for the disposition of these public highways.

Landscaping and Site Plan Control

A major theme of the community consultation process was the need for a landscape buffer along Hidden Trail that screens the Sanofi Pasteur campus from the adjacent residential development. Some areas along Hidden Trail are effectively screened with coniferous vegetation and fencing where in others, the combination of high branching deciduous trees and chain link fencing have do not offer the same buffer between the uses. The community sought a resolution of this issue prior to the development of new buildings on the subject lands.

The applicant is willing to file a site plan control application to specifically address and secure a proper landscape buffer within the required 5m landscape setback along Hidden Trail including proper species selection, landscape berms and fencing to address community concerns and security requirements for the property. It is also intended that the site application would lay out the southern parking area including changes to internal driveways and access points as envisioned by the proposed block plan implemented prior to issuance of the first building permit. The evaluation of these issues at a site wide level in advance of the development of buildings would streamline the future review of development subject to site plan control as it would scope the review to the area immediately surrounding a proposed structure.

CONTACT

Christian Ventresca, Senior Planner

Tel. No. 416-394-8230

Fax No. 416-395-7155

E-mail: cventre@toronto.ca

SIGNATURE

Jennifer Keesmaat, MES, MCIP, RPP
Chief Planner and Executive Director
City Planning

ATTACHMENTS

Attachment 1: Site Plan

Attachment 2: Property Information Sheet

Attachment 3: Official Plan

Attachment 4: Zoning

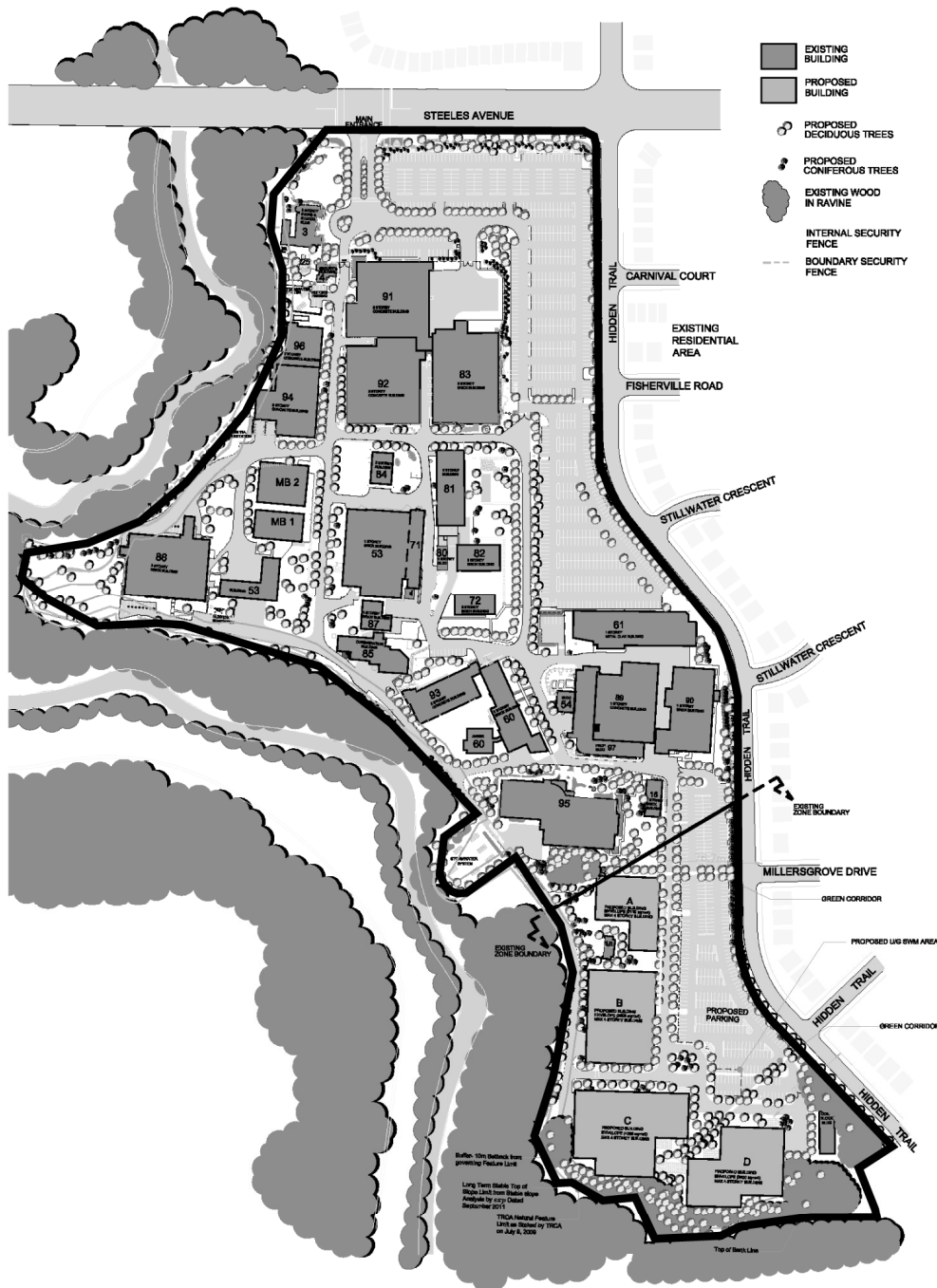
Attachment 5: Application Data Sheet

Attachment 6: Draft Official Plan Amendment

Attachment 7: Draft Zoning By-law Amendment

Attachment 8: Terms of Agreement with Sanofi Pasteur Limited

Attachment 1: Site Plan



Site Plan

Applicant's Submitted Drawing

Not to Scale
12/14/2012



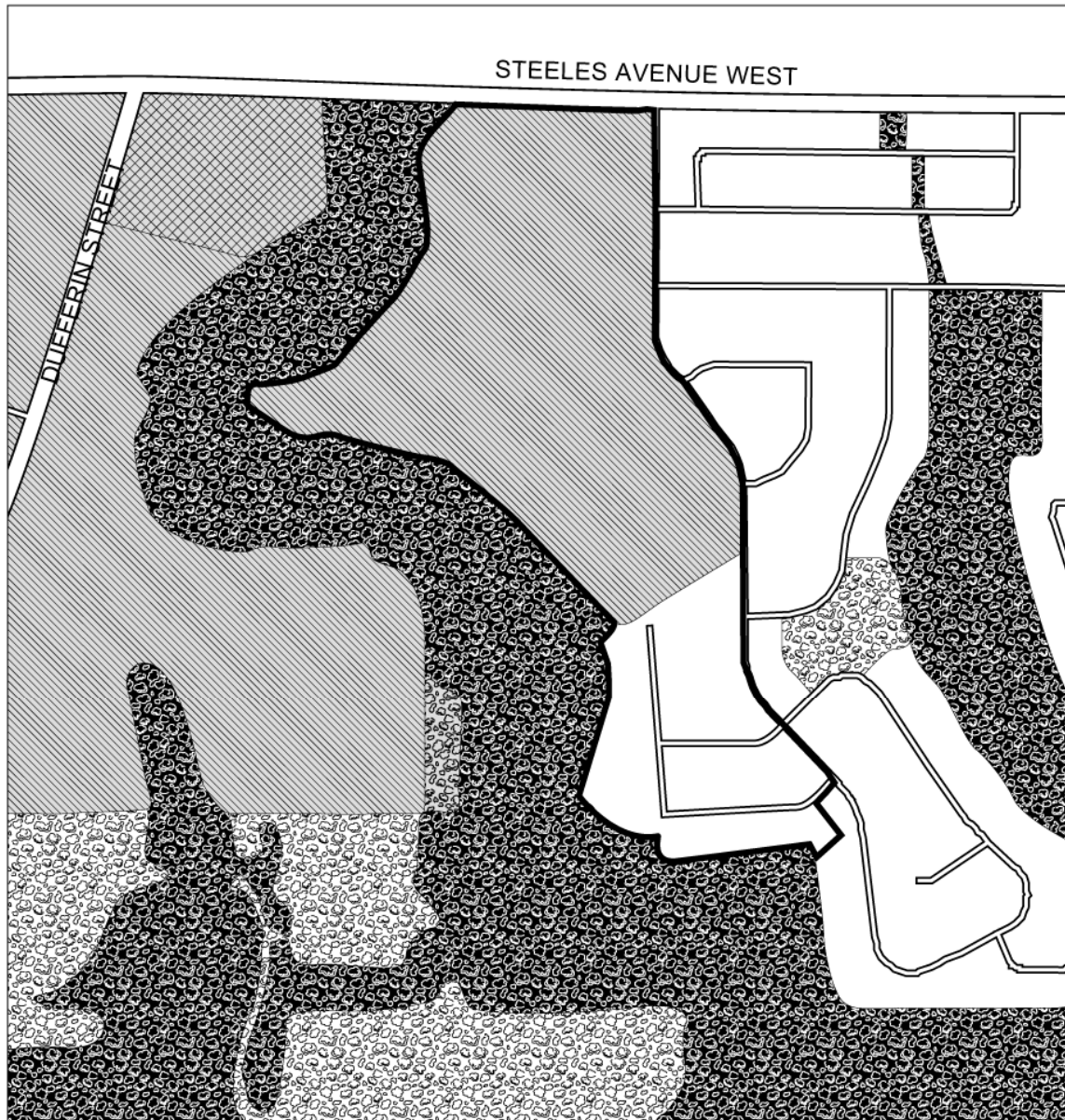
1755 Steeles Avenue West

File # 10 120879 NNY 10 0Z

Staff report for action – Final Report – 1755 Steeles Avenue West



Attachment 3: Official Plan



Toronto City Planning
Official Plan

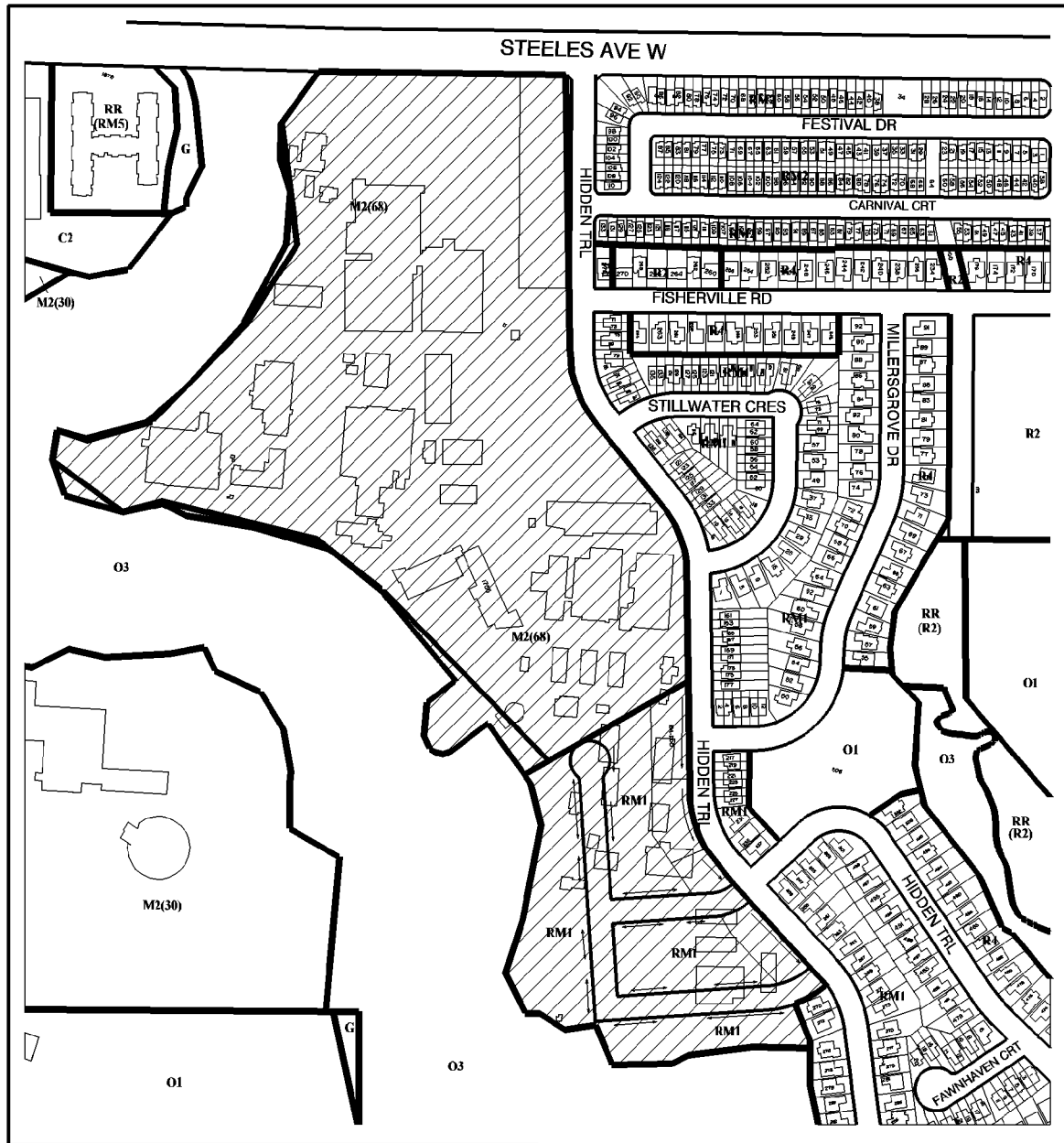
1755 Steeles Avenue West

File # 10_120879



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03/26/2010

Attachment 4: Zoning



Toronto City Planning
Zoning

1755 Steeles Avenue West

File # 10_120879

RR Rural Residential Zone
R4 One-Family Detached Dwelling Fourth Density Zone
RM1 Multiple-Family Dwellings First Density Zone
RM2 Multiple-Family Dwellings Second Density Zone

RM5 Multiple-Family Dwellings Fifth Density Zone
C2 Local Shopping Centre Zone
M2 Industrial Zone Two
G Greenbelt Zone

NOTE: Numbers in Brackets Denote Exceptions to the Zoning Category

O3 Semi-Public Open Space Zone
O1 Open Space Zone



Not to Scale
Zoning By-law 7625
Extracted 03/30/2010

Attachment 5: Application Data Sheet

Application Type	Official Plan Amendment & Rezoning	Application Number:	10 120879 NNY 10 OZ
Details	OPA & Rezoning, Standard	Application Date:	February 19, 2010

Municipal Address: 1755 STEELES AVE W

Location Description: CON 2 WY PT LOTS 23,24,25 PLAN 2570 BLKS B & C LOTS 2 4 & 6 PLAN M1859 BLKS AA,BB, P,T,U,V,W,X **GRID N1001

Project Description: The application is to rezone the subject lands from RM1 Multiple Family Residential to M2 (68) Industrial Zone Two, Exception 68. The intent of these applications is to make the land use designations that apply to the Subject Lands consistent with the existing designations that apply to the rest of Sanofi's lands at 1755 Steeles Avenue West.

Applicant:	Agent:	Architect:	Owner:
VELTA MUSSELLAM	MICHAEL BOWMAN		SANOFI PASTEUR LIMITED

PLANNING CONTROLS

Official Plan Designation:	Neighbourhoods/Employment Areas	Site Specific Provision:
Zoning:	RM1/M2(68)	Historical Status:
Height Limit (m):	9.2	Site Plan Control Area: Y

PROJECT INFORMATION

Site Area (sq. m):	56617.5	Height:	Storeys:	4
Frontage (m):	208.77		Metres:	23
Depth (m):	0			
Total Ground Floor Area (sq. m):				Total
Total Residential GFA (sq. m):	0		Parking Spaces:	1229
Total Non-Residential GFA (sq. m):	177,000		Loading Docks	10
Total GFA (sq. m):	177,000			
Lot Coverage Ratio (%):				
Floor Space Index:	0.8			

DWELLING UNITS

FLOOR AREA BREAKDOWN (upon project completion)

Tenure Type:			Above Grade	Below Grade
Rooms:	0	Residential GFA (sq. m):	0	0
Bachelor:	0	Retail GFA (sq. m):	0	0
1 Bedroom:	0	Office GFA (sq. m):	0	0
2 Bedroom:	0	Industrial GFA (sq. m):	177,000	0
3 + Bedroom:	0	Institutional/Other GFA (sq. m):	0	0
Total Units:	0			

CONTACT:	PLANNER NAME:	Christian Ventresca, Senior Planner
	TELEPHONE:	(416) 394-8230

Attachment 6: Draft Official Plan Amendment

Authority: Planning and Growth Management Committee Item ~ as adopted by City of Toronto Council on ~, 2013

Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~ -2013

To adopt an Amendment to the Official Plan for the City of Toronto respecting the lands known municipally as 1755 Steeles Avenue West

WHEREAS authority is given to Council under the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law;

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. The attached Amendment No. 123 to the Official Plan is hereby adopted pursuant to the *Planning Act*, as amended.

ENACTED AND PASSED this ~ day of ~, A.D. 20~.

ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

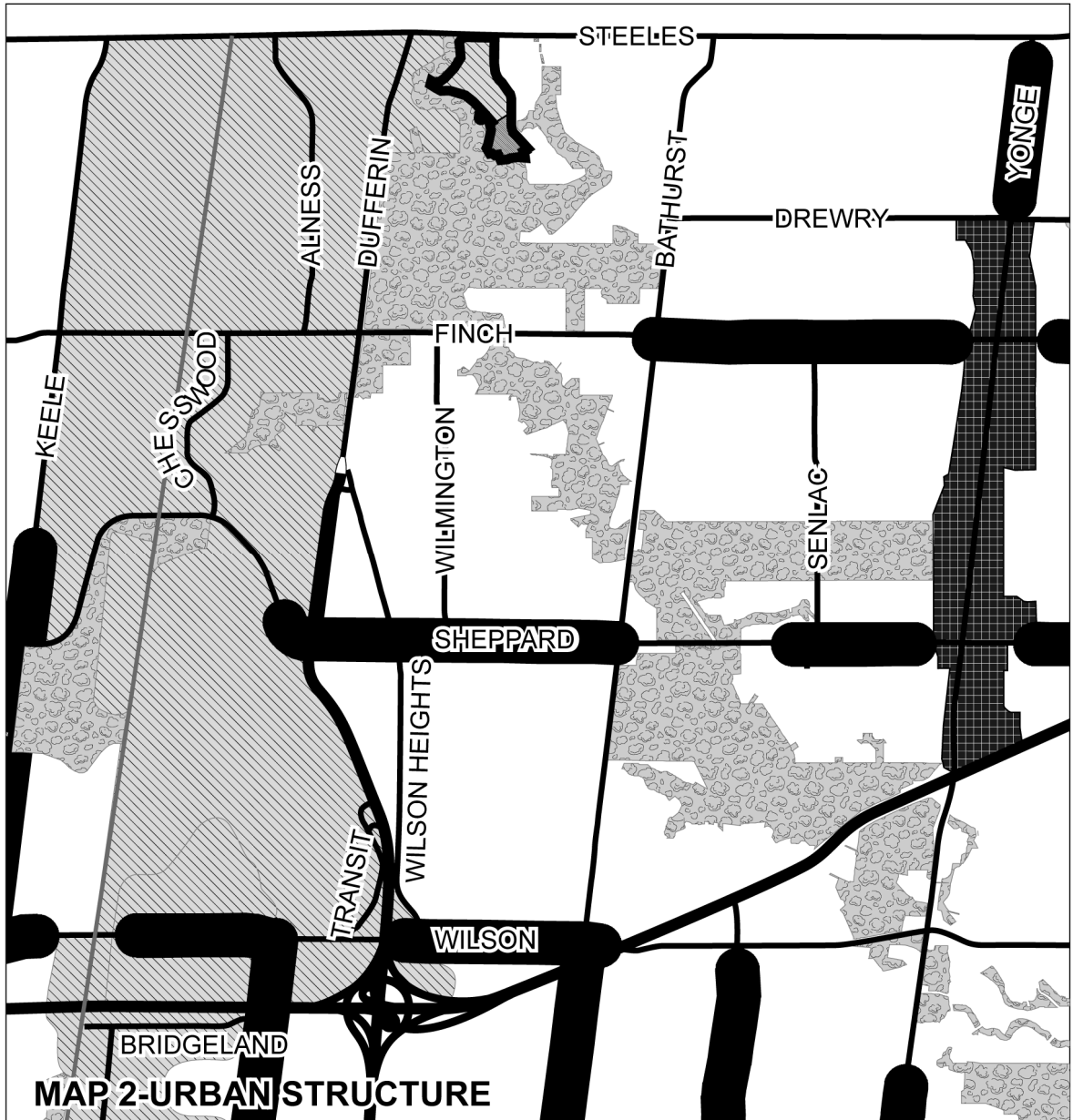
(Corporate Seal)

AMENDMENT NO. 123 TO THE OFFICIAL PLAN

**LANDS MUNICIPALLY KNOWN AS
1755 STEELES AVENUE WEST**

The Official Plan of the City of Toronto is amended as follows:

1. Map 2, Urban Structure, is amended by adding lands to the Dufferin Keele North Employment District as shown on the attached Schedule 1.
2. Map 16, Land Use Plan, is amended by re-designating the southern portion of the lands known municipally as 1755 Steeles Avenue West from *Neighbourhoods* to *Employment Areas*, as shown on the attached Schedule 2.



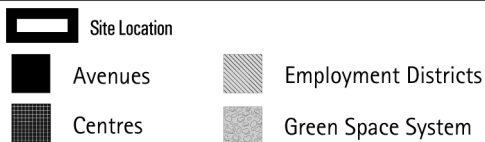
Official Plan Amendment 123

Add the Southern portion of 1755 Steeles Ave W to Employment District

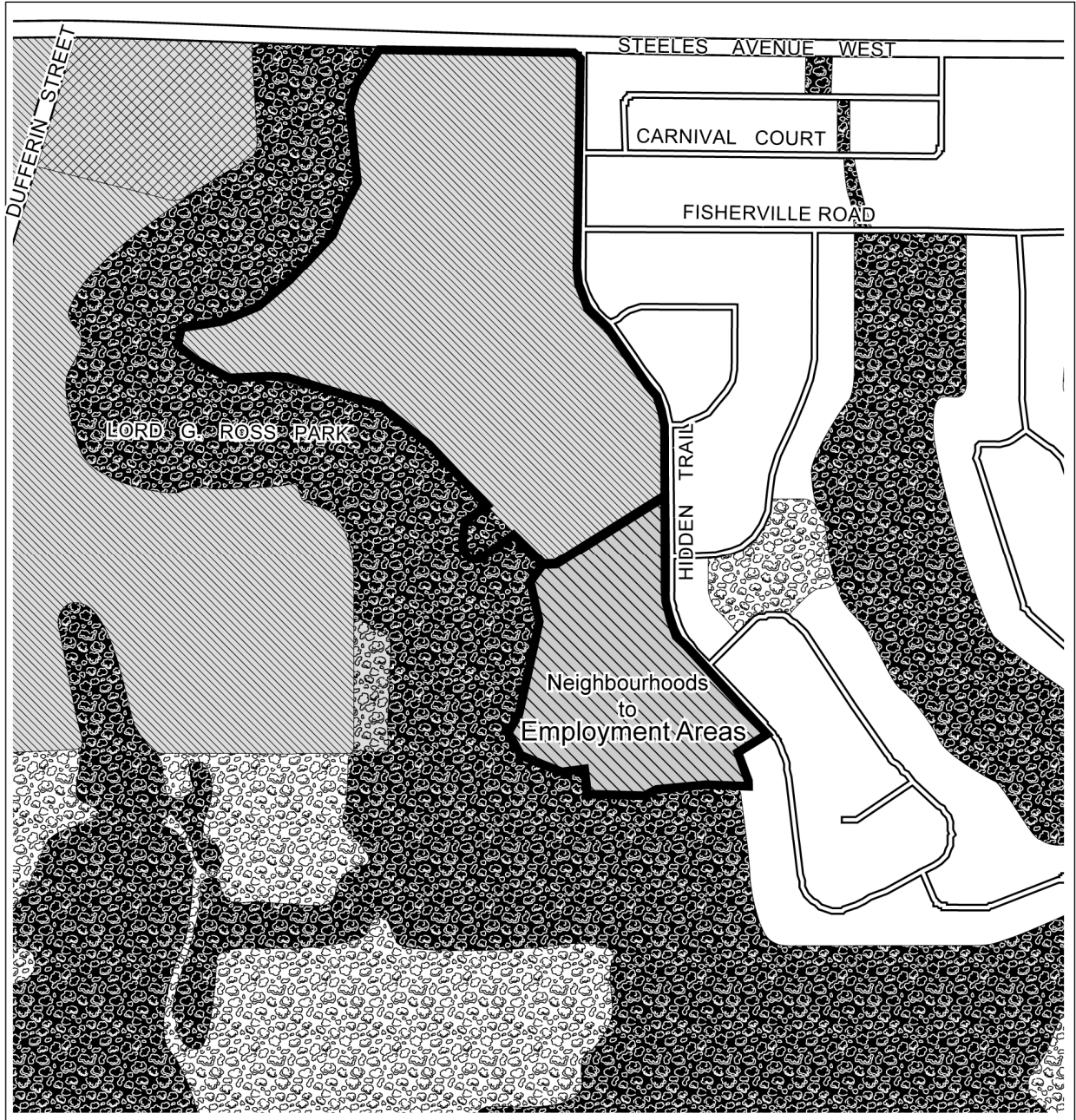
Schedule 1

1755 Steeles Avenue West

File # 10 120879 NNY 10 02



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12/20/2012



Toronto City Planning

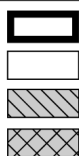
Official Plan Amendment #123

Revisions to Land Use Map 16 to Redesignate lands from Neighbourhoods to Employment Areas

Schedule 2

1755 Steeles Avenue West

File # 10 120879 NNY 10 0Z



Site Location

Neighbourhoods

Employment Areas

Mixed Use Areas

Parks & Open Space Areas



Natural Areas



Parks



Not to Scale
12/20/2012

Attachment 7: Draft Zoning By-law Amendment

Authority: Planning and Growth Management Committee Item ~ as adopted by City
of Toronto Council on ~, 2013
Enacted by Council: ~, 20~

CITY OF TORONTO

Bill No. ~

BY-LAW No. ~ -2013

**To amend former City of North York Zoning By-law No. 7625, as amended,
With respect to the lands municipally known as
1755 Steeles Avenue West**

WHEREAS authority is given to Council by Section 34 of the *Planning Act*, R.S.O. 1990, c.P. 13, as amended, to pass this By-law; and

WHEREAS Council of the City of Toronto has provided adequate information to the public and has held at least one public meeting in accordance with the *Planning Act*;

The Council of the City of Toronto HEREBY ENACTS as follows:

1. Schedules “B” and “C” of By-law No. 7625 of the former City of North York are amended in accordance with Schedule “1” of this By-law.
2. Section 64.31(68) of By-law No. 7625 is hereby repealed and replaced by the following:

"64.31(68) -- M2(68)

DEFINITIONS

- a) For the purposes of this Exception, “development block” shall mean one of the lettered blocks on Schedule M2(68).
- b) For the purposes of this Exception, "established grade" shall mean 188.8 metres above sea level.

PERMITTED USES

- c) Notwithstanding Section 31(2)(a), the only uses permitted within 70 metres of any lot in an R or RM zone shall be the uses permitted in an M1 zone.

FLOOR SPACE INDEX

- d) The maximum floor space index is 1.0.

YARD SETBACKS

- e) The required yard setbacks shall be as indicated on Schedule M2(68).

LANDSCAPING

- f) In addition to the landscaping requirements of Section 31(6)(b) and 31(6)(c), a minimum 5m landscape buffer shall be provided along the east property line adjacent to Hidden Trail.

BUILDING HEIGHT

- g) The maximum building height for Development Blocks A, B, C and D on Schedule M2(68) is the lesser of 23m or four storeys.

PARKING

- h) The minimum parking rates for all uses on site shall be as follows:
 - i. 850 parking spaces for a gross floor area of 90,000m²; and
 - ii. 1 space for each 190m² of gross floor area exceeding 90,000m².

EXISTING HERITAGE STRUCTURE

- i) The existing heritage structure (Building #18) shall be maintained in its current location as shown M2(68)(H).

HOLDING PROVISIONS

- j) For lands identified on Schedule M2(68) as subject to a Holding (H) symbol, uses permitted prior to the removal of the (H) symbol shall be those uses permitted in an M2 zone subject to the regulations of this Exception provided the permitted uses are located within a building existing on February 1, 2013, or an addition thereto not exceeding 10% of the gross floor area or in a new building of less than 1,000m² and all other provisions of this Exception are complied with.
- k) Prior to removing the Holding (H) symbol from Schedule M2(68), a Functional Servicing Report must be approved by the Executive Director, Technical Services Division outlining the private and public infrastructure required to service the proposed development.

LAND DIVISION

- l) Notwithstanding any severance, partition or division of the lands shown on Schedule M2(68), the regulations of this Exception shall continue to apply to the whole of the lands as if no severance, partition or division has occurred.

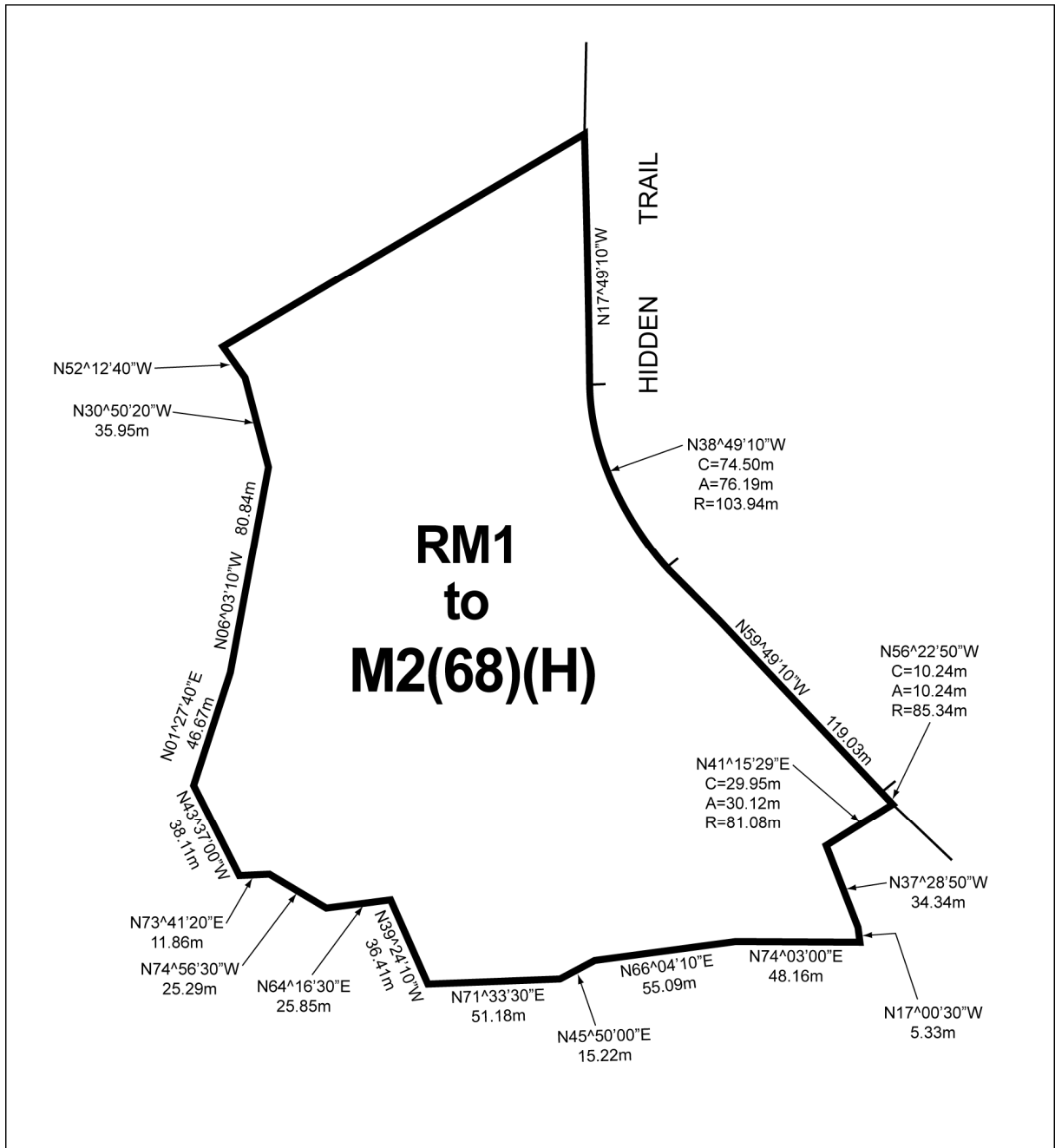
3. Within the lands shown on Schedule M2(68) attached to this By-law, no person shall use any land or erect or use any building or structure unless the following municipal services are provided to the lot line and the following provisions are complied with:
- (a) all new public roads have been constructed to a minimum of base curb and base asphalt and are connected to an existing public highway; and
 - (b) all water mains and sanitary sewers, and appropriate appurtenances, have been installed and are operational.

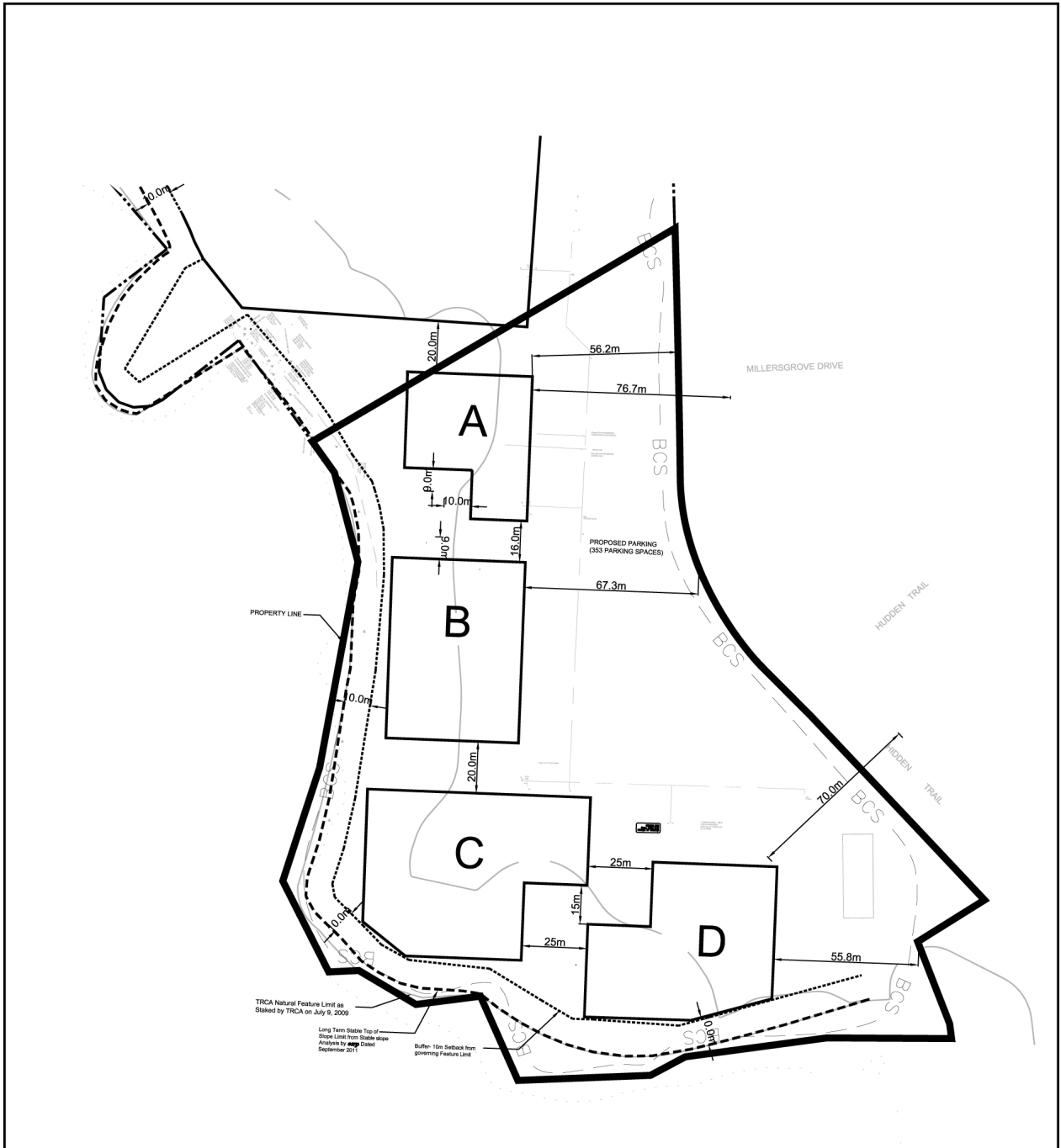
ENACTED AND PASSED this ~ day of ~, A.D. 20~.

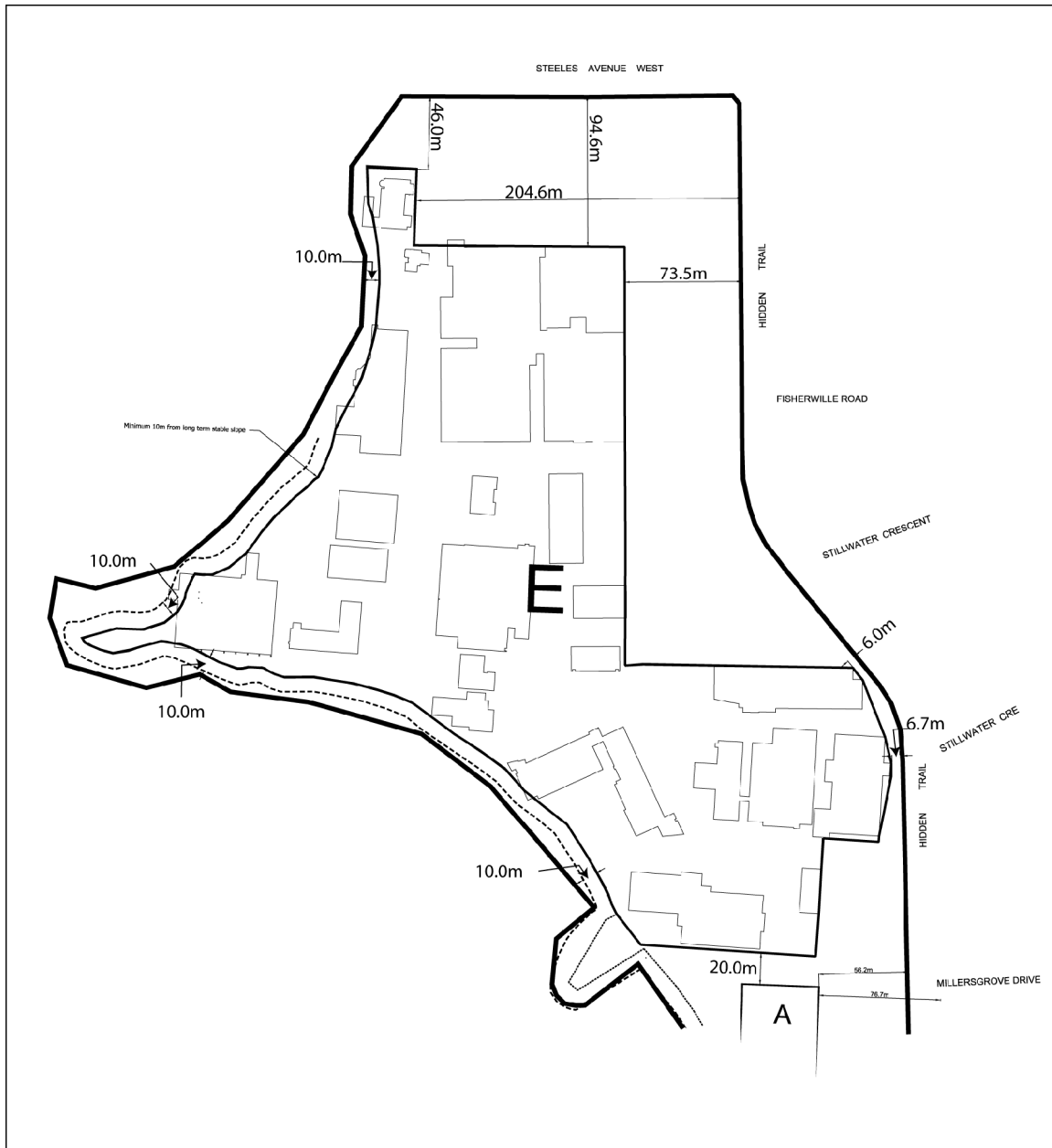
ROB FORD,
Mayor

ULLI S. WATKISS,
City Clerk

(Corporate Seal)







Attachment 8: Terms of Agreement with Sanofi Pasteur Limited

1. The City shall apply to the Superior Court of Justice pursuant to Section 146 of the *Land Titles Act* for an Order that directs the following, but only to occur at such time as the Official Plan and Zoning By-law Amendments for the Sanofi Pasteur Limited site come into full force and effect:
 - a) Closes the public highways Jacobs Gate and Mockingbird Crescent as public highways (Parts 2, 3, 5 and 7 indicated on Attachment Sketch No. PS-2010-070);
 - b) Vests title to the Highways (Parts 1, 2, and 3 on Sketch No. PS-2010-070) in Sanofi Pasteur Limited;
 - c) Vests title to Parts 4 and 6 on Sketch No. PS-2010-070 in the City;
 - d) Confirms title to Parts 5 and 7 on Sketch No. PS-2010-070 remains with the City;
 - e) Deletes certain registrations that are no longer required, such as the Subdivision Agreement, as determined by the Chief Planner, in consultation with the City Solicitor from title to Blocks P, T, U, V, W, X, Y, AA, BB and the public highways Jacobs Gate and Mockingbird Crescent;
 - f) Upon completion of the matters set out in subparagraphs a) through e) above, cancels that portion of Plan M-1859 that applies to the subject lands, being Blocks P, T, U, V, W, X, Y, AA, BB and the public highways Jacobs Gate and Mockingbird Crescent;
 - g) Provides that the cancelled parts of Plan M-1859 shall be abstracted based on the original geographic description of the lands and consolidates all such lands into separate PINs with new legal descriptions to be provided for the lands owned by the City and the lands owned by Sanofi Pasteur Limited respectively; and
 - h) Authorizes each party to register Application to Amend Register to effect the foregoing
2. The Court application shall be initiated and completed at no cost to the City. Sanofi's solicitors shall, at Sanofi's expense, provide all assistance and documentation, as required by the City, to support the City's Court application.
3. Sanofi shall provide a Reference Plan of Survey, integrated with the Ontario Co-ordinate System that is satisfactory to the City's Director, Survey & Utility Mapping, at Sanofi's expense.

4. Sanofi Pasteur Limited shall pay the City \$900,000.00 as compensation for the closed highways.
5. Sanofi Pasteur Limited shall pay any applicable Land Transfer Tax and HST exigible on the transaction.
6. Sanofi Pasteur Limited shall pay the costs to register the Court Order and both parties' Applications to Amend the Register in the appropriate Land Registry Office.
7. Sanofi Pasteur Limited shall provide evidence satisfactory to the City that Parts 4 and 6 on Sketch No. PS-2010-070 meet the environmental standards for the most sensitive adjoining land use and such environmental evidence shall be peer reviewed by the City's environmental consultant at Sanofi Pasteur's expense;
8. Sanofi Pasteur Limited will accept Parts 1, 2 and 3 on Sketch No. PS-2010-070 in "as is" condition and, on closing, shall execute and deliver a release in favour of the City, in a form satisfactory to the City Solicitor, in respect of all loss, cost, damage, liability or actions relating to the environmental condition of the said lands;
9. Sanofi Pasteur Limited shall pay a deposit in the amount of \$90,000.00 to the City on execution of the Agreement and to pay the balance of the funds in escrow prior to the submission of the Official Plan Amendment and Zoning By-law Amendment Bills to City Council for enactment, which funds to be held in escrow pending the closing of the transaction (ie registration of the Applications to Amend Register following issuance of the Court Order and expiry of the of the applicable appeal period for the OPA/ZBA, or, if appealed, following issuance of an OMB decision confirming the OPA/ZBA and the expiry of the applicable appeal period).